

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BRETT GREENLEE

Plaintiff

v.

JOURNEY TRANSPORTATION, INC.

Defendant

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CIVIL ACTION NO.

JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT AND JURY DEMAND

I. PARTIES

1. Plaintiff, Brett Greenlee, is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 134 Wappler Drive, Hanover, Pennsylvania 17331.

2. Defendant, Journey Transportation, Inc. was and is now a business entity, believed to be a corporation, duly organized and existing under the laws of the State of Maryland, with a principal place of business located at 429 Macintosh Circle, Joppa, MD 21085.

II. JURISDICTION AND VENUE

3. Jurisdiction is conferred upon this Court by virtue of the parties' diversity of citizenship pursuant to 28 U.S.C. § 1332.

4. The amount in controversy in this action is in excess of seventy-five thousand (\$75,000.00) dollars, exclusive of costs and fees.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the within claims occurred within the District.

III. STATEMENT OF CLAIMS

6. At all times material herein, Defendant, by and through its agents, employees, and/or other representatives acting in the course and scope of their employment with the

Defendant, more specifically Jordan Larry, owned, leased, possessed, maintained, controlled and/or operated a certain 2004 trailer, Maine license plate #2589072, which Jordan Larry was operating in the course and scope of his employment with Journey Transportation, Inc.

7. On or about November 17, 2021, Plaintiff, Brett Greenlee, was operating a certain Chevrolet Silverado motor vehicle traveling eastbound on Kindig Lane at N. Madison Street, in Conewago Township, Adams County, Pennsylvania which was involved in the motor vehicle accident hereinafter described.

8. On or about November 17, 2021, Plaintiff Brett Greenlee was operating the aforesaid motor vehicle traveling eastbound on Kindig Lane at N. Madison Street, in Conewago Township, Adams County, Pennsylvania, when, suddenly and without warning, Plaintiff struck the aforementioned trailer that had been abandoned in the middle of the roadway by Jordan Larry while acting in the course and scope of his employment with Defendant Journey Transportation, Inc.

9. Plaintiff struck the trailer with such force so as to cause Plaintiff to sustain severe and permanent injuries as described more fully hereinafter

10. The aforementioned motor vehicle accident was caused solely and exclusively by reason of the negligence and carelessness of the Defendant and was due in no manner to any act or failure to act on the part of the Plaintiff.

COUNT I
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NEGLIGENCE

11. Plaintiff hereby incorporates by reference paragraphs one (1) through ten (10) of the within Complaint as though the same were fully set forth at length herein.

12. The negligence and/or carelessness of Defendant, Journey Transportation, Inc., acting by and through its agents, employees and/or other representatives acting in the course and scope of their employment with the Defendant, more specifically Jordan Larry, consisted of the following:

- (a) failing to have the aforesaid motor vehicle under proper and adequate control at the time of the motor vehicle accident described herein;
- (b) operating the aforesaid motor vehicle in an unsafe manner without due regard for the rights and safety of those lawfully upon the highway, one of whom was the Plaintiff, Brett Greenlee, more specifically failing to clear its illegally parked trailer from the roadway;
- (c) failing to give proper and sufficient warning of the presence of the aforesaid trailer on the roadway;
- (d) failing to maintain a proper lookout upon the highway;
- (e) operating a motor vehicle with disregard for the safety of persons upon the highway, one of whom was the Plaintiff;
- (f) otherwise failing to exercise due and proper care under the circumstances; and
- (g) violating various ordinances and statutes pertaining to the operation of motor vehicles.

13. By reason of the aforesaid negligence of the Defendant, Plaintiff, Brett Greenlee, has suffered severe and permanent injuries including, but not limited to, fractured pelvis requiring surgical repair, right knee injuries, and whiplash, as well as aches, pains, mental anxiety and anguish, and a severe shock to his entire nervous system. Plaintiff has in the past and will in the future undergo severe pain and suffering as a result of which he in the past and will in the future be unable to engage in his usual activities, all to his great detriment and loss.

14. As a further result of the motor vehicle accident described herein, Plaintiff has been or will be obliged to receive and undergo medical care and attention and to expend various sums

of money and to incur various expenses for the injuries which he suffered, and he may be obliged to continue to expend such sums or incur such expenditures for an indefinite period of time in the future.

15. As a further result of the motor vehicle accident described herein, Plaintiff has suffered or may suffer a severe loss of his earnings and/or earning power, and he may incur such loss for an indefinite period in the future.

16. As a direct and reasonable result of the aforementioned motor vehicle accident, Plaintiff may hereafter incur other financial expenses or losses which do or may exceed the amounts which he may otherwise be entitled to recover under and pursuant to the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. §1701 et. seq. as amended, for which he claims damages herein.

17. Further, by reason of the aforesaid occurrence, Plaintiff has incurred and/or may hereinafter incur other financial expenses all in an effort to treat and cure himself of the injuries sustained in the aforesaid accident.

18. As a further result of the motor vehicle accident described herein, Plaintiff has or may have suffered injuries resulting in the permanent loss of a use of a bodily function, dismemberment, and/or scarring, which may be in full or part cosmetic disfigurements which are or may be permanent, irreparable and severe.

19. As a further result of the motor vehicle accident described herein, Plaintiff has suffered a loss of the enjoyment of his usual duties, avocations, life's pleasures and activities, and the shortening of his life expectancy, all to his great detriment and loss.

20. As a further result of the aforesaid motor vehicle accident, Plaintiff has suffered great physical pain, suffering and mental anguish, all of which may continue into the future.

21. Plaintiff in no manner contributed to his injuries, which were the direct and proximate result of the Defendant's negligence and carelessness.

22. At all times relevant hereto, Plaintiff is and has been entitled to Full-Tort status under the Pennsylvania Motor Vehicle Code.

WHEREFORE, Plaintiff, Brett Greenlee, demands judgment against Defendant, Journey Transportation Inc., in an amount in excess of One Hundred Fifty Thousand Dollars (\$150,000.00), together with any such other relief as the Court deems adequate, just and proper under the circumstances.

Respectfully,

SWARTZ CULLETON PC

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